

from: Cricklewood Railway Terraces Residents Community Association

**re: London Borough of Barnet
Planning application 17/5761/EIA
Cricklewood Railway Yard Land Rear Of 400 Edgware Road**

date: 4 February 2018

Reasons for opposing the application

In September 2017 Barnet's planning committee voted to defer DB Cargo's (temporary) application for a Rail Freight Facility. The next day Barnet posted their own application, jointly with DB Cargo, for a permanent site.



The South End of the proposed RFF site, and the Railway Terraces

Since October we have had extensive meetings with ward councillors, LBB planning officers, and senior figures from Capita and DB Cargo. These meetings have been productive, and led to a number of improvements to the permanent application being considered on Thursday 8 Feb 2018. This application is for a site that is four times the size of the one that was deferred before. It is truly permanent - the 125-year lease of the land has 101 years to run.

Our 19th-Century estate of terraces is a conservation area of around 200 cottages, houses and flats, and occupies the land immediately bordering the Rail Freight Facility. After 130 years, our community is still a green oasis with tranquil gardens and allotments. Living here, you can feel as though you are not actually in London, let alone so close to the A5 and the railway. Our neighbours in Elm, Ash and Oak Grove share many of our concerns, as do neighbours on the other side of the A5 in Brent. In addition, many new housing developments are being built locally, some due to open soon.



The Terraces. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that, in making a decision on an application for development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.



DB Cargo's RFF at Bow, Google maps satellite image

Despite working hard to secure improvements to the application, and some mitigation measures and conditions, we remain opposed to the application, because the applicants wish to bring heavy goods traffic, and noisy, dirty industry close to several residential areas, on a huge scale. If allowed to go ahead, it will blight schools, houses, gardens, allotments and roads in the very area that is to be regenerated. The site borders the proposed new bridge and railway station.

The following are the major areas of concern:

- traffic and air quality, ambiguity of baseline comparisons, and withholding of inconvenient data
- noise
- dust
- light
- vibration
- amount of development on and around Cricklewood Broadway
- difficulty of enforcing planning conditions

The application relies on very limited traffic data and computer modelling, and assumes good traffic flow. It takes no account of how the traffic actually is: the road regularly becomes almost stationary. The application flits between different baselines to improve the case, sometimes comparing data from the s73 permission, and sometimes previous conditions at "Eurostorage".

For these purposes "Eurostorage" is shorthand for a large number of small-scale light industries that used to sublet plots on the site. They were badly neglected and poorly managed, and regularly provoked complaints about bad practice including the burning of hazardous materials. Overall responsibility for this situation - one which has now become a comparator and precedent - lay with the applicants themselves, LBB as the LA, and DB Cargo as the landlord.

The application relies on a baseline statistic that Eurostorage "generated 1,596 vehicle movements a day". This is based on one single 24-hour survey from 2016, carried out not at the junction, but at a barrier between the site and its own forecourt parking bays. We do not know how many vehicles actually entered and exited the site, or if this was a typical day, or whether it is a robust basis for all future traffic and emissions forecasts, but that is what has been used.

Capita's traffic expert Phil Hardwick said in a meeting (Jan 29 2018) that this part of the A5 "would probably have around 35,000 journeys a day". We have since checked the

Department for Transport traffic counts website, and the actual figure (2016) is only 13,255 - of which only 312 are HGVs¹. This scheme will more than double that number.

Furthermore, Capita produced an air quality report (22 Jan 2018) that shows the **adverse NO2 consequences** of this application. **This report has not been submitted or published.** Instead, it was “updated” on 29 Jan 2018, using different parameters and time periods, in order to paint a less toxic picture. We find this very worrying.

Traffic

This is the predominant concern of many of the 800+ objections online.

- 452 HGV journeys per day, 6 days a week.
- The entrance to this site is opposite Cricklewood bus depot, between Lidl supermarket and the new Fellows Square housing development, and across the road from Our Lady of Grace RC Infant and Nursery School.
- This very congested short stretch of the A5 leads in each direction to a bottleneck: the Cricklewood Lane junction to the South, and Staples Corner or West Hendon Broadway to the North. It is the only route in and out of our homes.
- The same stretch of road is also about to see the building of an Asda supermarket and 100 flats on Cricklewood Broadway at Beacon Bingo, as well as the Waste Handling Facility, with its proposed additional 200 HGVs a day.
- LBB has a medium term intention to improve Staples Corner; and also to CPO a building, enabling an upgrade to the Cricklewood Lane/Cricklewood Broadway junction: the RFF should not operate before this work is done.
- Our one-mile commuter bus journey to and from the Jubilee line at Kilburn often takes 20 minutes.
- Planners have failed to grasp the implication of so many HGV's trying to navigate Cricklewood Lane, Cricklewood Broadway, Walm Lane, Mill Lane and Kilburn High Road, let alone local rat-runs. These may be A-roads, but they are also high streets with residents, pedestrian shoppers and school children. As it is, double decker buses can't get in and out of bus stops, due to weight of traffic, narrow roads, parked cars, deliveries to local shops etc The SDS does not offer any protection against these roads being used.
- Concerns have also been raised by Dollis Hill Residents Association about the safety of the junction in and out of the RFF, as the swept path analysis shows that HGV's turning in to queuing traffic will take out all 4 lanes, putting pedestrians and cyclists at risk, and impeding traffic flow, including two bus lanes.



Saturday 16th September 2017, 10.15am. A skip lorry avoids part of the A5 by using Forwych Road and Richborough Road as a rat run

¹ <https://www.dft.gov.uk/traffic-counts/cp.php?la=Brent#88047>



Friday 27th Jan 2018 between 3.54 pm and 4.03 pm. The 500 metres from A5 (travelodge) to Cricklewood Lane (station) took 10 minutes in the car. No rain, no accident, no roadworks, just traffic.

Air Quality

We do not agree that the scheme has been shown to be air quality neutral, as required by Policy 7.14 of the **London Plan**, because:

- **Capita’s Supplemental Air Quality Technical Note 3964846 (22 Jan 2018) clearly states that the RFF will cause local NO2 levels to rise between 2% and 2.6%². Any reselecting of statistics to fudge this issue in the subsequent, published report (29 Jan 2018) is dubious.** We know from the recent news about the Volkswagen emissions scandal that small increases in NO2 lead to poisoning and premature death: **Councillors must ensure that the LPA, Capita and DB Cargo are being open and transparent about this data.**
- The same technical note also forecasts adverse pollution increases in very specific places, and these include locations in the Terraces, by Cricklewood Post Office, at a local bus stop, and by Beacon Bingo - ie where we live and regularly walk to shops, work and school
- These increases are shown despite the fact that comparison between this application and s73 permission has been deemed “not relevant” when it comes to air quality³. As mentioned above, all the traffic and air forecasts rely entirely on the disputed Eurostorage vehicle movement data. S73 permission was for 400 HGVs per 24 hours (clean goods), this application is for 452 HGVs per 12 hours (aggregate and building waste)
- NO2 levels at all nine local diffusion tubes already exceed NAQO every year.

We have sympathy for the view that some local pain is necessary to enable great benefit to the wider area. However, the traffic situation places an excessive burden on our local pollution, and must be remedied first. Actual data, not forecasts based on insufficient data (ie the unreliable 24-hour survey of 1,596 vehicle journeys referenced above), must be considered when it comes to making decisions about emissions.

Noise

Significant noise mitigation has been proposed, and we are grateful that our concerns have been taken seriously. Nevertheless, Capita’s acoustic expert has said that the architecture

² **17 5761 EIA-SUPPLEMENTAL AIR QUALITY TECHNICAL NOTE-3964846 22 Jan 2018**

“CONCLUSION

Within this request for further information, further work has been undertaken to address comments provided by the Team Leader of the Scientific Services at LBB.

In relation to annual mean NO2 concentrations, the results indicate that the Proposed Scheme would have **3 Moderate Adverse, 5 Slight Adverse** and 27 Negligible impacts. The largest modelled increase associated with the operation of the Proposed Scheme is 0.8µg/m3 equivalent to **2.0% of the total 2021 DN modelled annual mean NO2 concentration**. A sensitivity test modelling scenario was also undertaken, whereby the 2017 emission rates and background concentrations were used instead of those representing 2021 conditions, which is a ‘worst-case’ approach. The results indicated that for this scenario, the operation of the Proposed Scheme would result in 6 Substantial Adverse, 7 Moderate Adverse and 22 Negligible impacts. The largest modelled increase associated with the operation of the Proposed Scheme is 1.3µg/m3, **equivalent to 2.6% of the total 2021 DN modelled annual mean NO2 concentration**. “

³“ Comparison with the Original S73 Application

Comparison of the current Proposed Scheme with the S73 scheme is not relevant / applicable in this case, because (for all intents and purposes) the two schemes are different.” (Supplemental Air Quality Technical Note, Jan 2018)

and topography of the Terraces make modelling extremely complex, because some houses shelter others, and some blocks are significantly higher up the hill than those at the bottom. There is really no way of knowing exactly which intrusive sounds may be heard where, when aggregates are being loaded from trains on to HGVs, and building spoil loaded on to trains. 2 or 3 trains are planned to come and go every day, some of them at night. The tranquil character of the conservation area is unquestionably threatened.

It is noteworthy that the acoustician accepts that some of the Terraces may be adversely impacted by noise⁴. When we met with him, he could not think of a way to redesign the site or increase on-site mitigation in order to remove this impact. The only suggestion that he could devise was to modify the dwellings themselves.

Dust

Dust exceedance thresholds have been set quite high - on-site 15 min threshold is the same as for a demolition site (250 microgram/m³). This is too high for a permanent site that will be operational all day long and remain in perpetuity. We have seen with Donoghue's and Jewson's how hard it is to enforce breaches when longstanding loopholes have been left inadvertently at the planning stage.

We are very concerned about the likelihood of pollutants and toxic dust and particulates being blown by the wind over surrounding homes and schools in Barnet and Brent.

We know that dust occasionally blows in to the Terraces from further afield. The Environmental Statement dismisses the possibility of wind from the North East ever being significant. This seems a strange assertion for a permanent site.

Light

12 floodlights on columns will cause light spill over a wide area. Lights should be shaded or angled so that the spill into the Terraces (and Fellows Square and Brent Terrace) is minimized.

Vibration

The vibration from the 1700-ton trains has not been tested or evaluated - residents are concerned that Victorian foundations could be at risk, because in the past occasional heavy freight trains made the houses shake.

DB Cargo

The DB Cargo rail yard at Bow is sprawling and dirty, but it is not so close to residential areas. Cricklewood is a fundamentally unsuitable site, as it is the home of many established communities, as well as Barnet's exciting regeneration of Brent Cross.

DB Cargo has been a good partner in negotiations over this application, but they had previously been responsible for the site for decades, and never attempted to make contact with neighbouring residents. DB Cargo has a poor environmental track record as landlord of this site, subletting to Eurostorage, and failing to take responsibility for tenants' bad practices.

Difficulty of enforcement

There is a risk that the long-running headache of PB Donoghue will be repeated on a much bigger scale. Whilst we accept that DB Cargo is a major international company, we question whether LBB or Capita have the resources for monitoring, enforcement and sanctions at such a huge facility. The Environment Agency seems to be very slow to act on behalf of neighbours, and whilst Barnet's environmental officers are mostly good, they are only part time and not based locally.

There have been nearly 1000 objections, and 38 have requested to speak at the planning committee meeting. Objections have come from London Boroughs of Brent and Camden, and the GLA, as well as numerous other residents' groups.

Local Democracy

There is a fundamental conflict of interests here. LBB wish to develop land East of the railway for Brent Cross Regeneration, and to build a new station. In order to achieve this it has been

⁴ See for example para 8.6.3 of the revised environmental study

necessary to compulsorily purchase Network Rail's land there, currently used for a waste handling plant and a small rail freight facility. Network Rail have not objected to the CPO, presumably because they have been promised the site on Edgware Road. Section 73 permission has already been given, allowing LBB to build a covered facility transporting clean goods, but it does not allow for this kind of facility. LBB planners are therefore seeking with this application to change the permission; and their own planning committee has to decide whether to support them, or to support residents. This is clearly an unsatisfactory situation.



HGVs leaving DB Cargo's site at Bow with aggregate uncovered, July 2017

Cricklewood Railway Terraces Residents Association